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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,021	07/28/2003	Yasuhiko Aoki	064731.0332 (P-269US-1)	7632
5073	7590	08/09/2006	EXAMINER	
BAKER BOTTS L.L.P. 2001 ROSS AVENUE SUITE 600 DALLAS, TX 75201-2980			TRAN, DZUNG D	
			ART UNIT	PAPER NUMBER
			2613	

DATE MAILED: 08/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/629,021	AOKI ET AL.	
	Examiner	Art Unit	
	Dzung D. Tran	2613	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 28 July 2003.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-10, 13-17 and 20 is/are rejected.
- 7) Claim(s) 11, 12, 18 and 19 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

DETAILED ACTION

Specification

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-10, 13-17 and 20 rejected under 35 U.S.C. 102(e) as being anticipated by Elbers et al. U.S. Publication no. 2003/0128985.

Regarding claims 1, 13 and 20, Elbers discloses in Figure 2, a node for an optical network, comprising: at least one transport element operable to be coupled to the optical network, the transport element comprising an add/drop element comprising: a rejection filter SDMUX operable to split an incoming signal that comprises traffic in a plurality of sub-bands into a first signal and a second signal, the first signal comprising the traffic in a first sub-band of traffic channels and the second signal comprising the traffic in the remaining sub-bands of traffic channels of the incoming signal;

a bypass element ZE operable to: receive the traffic in the first sub-band from the rejection filter, reject the traffic in a first portion of the first sub-band and forward the traffic in a second portion of the first sub-band; and

an add element SMUX operable to:
receive the second signal from the rejection filter;
receive the traffic in the second portion of the first sub-band from the bypass element; and combine the traffic in the second signal with the traffic in the second portion of the first sub-band for transport on the network (see figure 2).

Regarding claims 2 and 14, Elbers discloses in Figure 2, the bypass element is further operable to:

terminate the traffic in the rejected first portion of the first sub-band;
receive add traffic in the first portion of the first sub-band; and combine the add traffic with the traffic in the second portion of the first sub-band; and
the add element is further operable to: receive the combined traffic from the bypass element; and combine the traffic received from the bypass element with the traffic in the second signal for transport on the network.

Regarding claims 3 and 15, Elbers discloses in Figure 2, the add/drop element further comprises a drop coupler (e.g., circulator Z11) operable to: drop a first copy of the incoming signal for communication of at least a portion thereof to one or more clients of the node; and forward a second copy of the incoming signal to the rejection filter.

Regarding claims 4 and 15, Elbers discloses in Figure 2, a distributing element (e.g., ADS) comprising:

a splitter (e.g., DMUX in ADS) operable to make a plurality of copies of the first copy received from the drop coupler; one or more filters each operable to receive one

of the plurality of copies and to forward one or more wavelengths of the received copy; and one or more transponders operable to receive each filtered wavelength from the one or more filters.

Regarding claim 5, Elbers discloses in Figure 2, the bypass element ZE is operable to drop the traffic in the rejected first portion of the first sub-band for communication of at least a portion thereof to one or more clients of the node.

Regarding claims 6 and 10, Elbers discloses in Figure 2, the add/drop element ADS further comprises an add coupler (e.g., MUX in ADS) operable to: receive from the add element the combined traffic from the second signal and the second portion of the first sub-band; receive add traffic in the first portion of the first sub-band; and combine the add traffic and the traffic from the add element for transport on the network wherein add coupler is passive element.

Regarding claim 7, Elbers discloses in Figure 2, a distributing element (e.g., ADS) comprising:

a splitter (e.g., DMUX in ADS) operable to make a plurality of copies of the traffic in the first portion of the first sub-band received from the bypass element; one or more filters each operable to receive one of the plurality of copies and to forward one or more wavelengths of the received copy; and one or more transponders operable to receive each filtered wavelength from the one or more filters.

Regarding claims 8, 9, 16 and 17, Elbers discloses in Figure 2 the first portion and the second portion of the first sub-band are two separate, continuous bands of

wavelengths of the first sub-band and the first portion and the second portion of the first sub-band are interleaved portions of the first sub-band.

3. Claims 11, 12, 18 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
 - a. Caroli et al. U.S. Publication no. 2003/0002104. Wavelength selective Add/Drop arrangement for optical communication systems
 - b. Madsen U.S. Publication no. 2004/0114929. Optical data transmission system under sub-band multiplexing

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dzung D Tran whose telephone number is (571) 272-3025. The examiner can normally be reached on 9:00 AM - 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan, can be reached on (571) 272-3022. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Dzung Tran
08/16/2006